



Task Force on State Public Defender Operations

64th Montana Legislature

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COMMITTEE STAFF

DAVE BOHYER, RESEARCH DIRECTOR
JULIE JOHNSON, ATTORNEY
FONG HOM, SECRETARY

Tentative Agenda September 17, 2015 Room 102, Capitol Building Helena, Montana

- 8:00 Call to order - roll call -- Senator Jim Keane, senior senator
8:05 Member introductions
8:20 Overview of HB 627 -- Dave Bohyer, LSD Research Director
8:30 Legal Overviews
 - ▶ Constitutional duties of OPD -- Ms. Julie Johnson, Staff Attorney
 - ▶ Statutory duties of OPD -- Overview -- Julie Johnson
 - ✓ Public Defender Commission -- Mr. Fritz Gillespie, Commission Chairman
 - ✓ Office of Public Defender -- Mr. Bill Hooks, Chief Public Defender
 - ✓ Office of Appellate Public Defender -- Mr. Wade Zolynski, Chief Appellate Defender
 - ✓ Office of Conflict Coordination -- Ms. Kristina Neal, Conflict Coordinator

Break

10:45 Professional and ethical responsibilities of OPD attorneys -- Julie Johnson,
11:15 Historical background on the creation of Montana OPD
 - ▶ Ms. Niki Zupanic -- Legal action by ACLU underpinning the establishment of the Montana state Office of Public Defender

Lunch

1:00 Historical background on the evolution of indigent defense. Mr. James Park Taylor, UM Law School and Montana ACLU

1:30 Views from the Trenches
 - ▶ Public Defender Commission -- Mr. Terry Jesse, Member of the Public Defender Commission
 - ▶ Public Defender -- Mr. Chris Abbott
 - ▶ Contract Public Defender -- Mr. Fred Snodgrass (by telephone)
 - ▶ Prosecutor -- Mr. Mark Murphy, Montana County Attorneys Association
 - ▶ Lower Court Judge -- Honorable Perry Miller, Justice of the Peace, Blaine Co.
 - ▶ District Court Judge -- Honorable John Larson, 4th District, Missoula
 - ▶ Public Appellate Defender -- Eileen Larkin, Staff Attorney, OAPD
 - ▶ Supreme Court Justice -- Honorable Mike McGrath, Chief Justice, Montana Supreme Court

3:30 Public Comment on the constitutional, statutory, professional, or ethical requirements relevant to the Office of Public Defender operations

(over)

Break

- 4:15 Proposed Study Plan, Dave Bohyer, LSD Research Director
- Committee discussion, revision, and adoption of Work Plan and Meeting Schedule

The Committee should identify which other states to examine to determine how the states provide assistance of counsel to those who qualify for assistance, including how those states structure and fund their offices or programs and any litigation on the structure and funding of those offices and programs. The states selected by the Task Force should have specific relevance to the members in the context of the HB 627 study, rather than be a random selection of states that may or may not be relevant or of interest.

- 4:45 Election of officers: HB 627 requires that the presiding officer and vice presiding officer are legislators. Tradition suggests that the officers be from different political parties, but not necessarily from the different houses.

- 5:00 Adjourn

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